

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ERIC NARINE,

Plaintiff, ORDER

- against -

CV 07-657 (ERK)(MDG)

DAVE WEST INDIAN PRODUCTS CORP.,

Defendant.

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This order addresses the letter motion for adjournment of a conference, stay of discovery and an extension of time filed April 2, 2008 by Charles Whittier, counsel for defendant. Ct. doc. 40. Although the letter is addressed to Judge Korman, I will address it since the adjournment sought is of a conference before me and the stay is of discovery under my supervision.

While this Court does not condone defendant's refusal to proceed in this case and has been informed that Judge Korman has not and will not stay discovery supervised by me, this Court reluctantly grants an extension in order to insure the orderly progression of this case. There is no indication that counsel has provided the dates for depositions, as ordered. If he has not done so, counsel for defendant is ordered to provide by April 11, 2008 a list of the dates between April 15 and May 21, 2008 that he and his client are available for depositions.

However, defendant was warned by this Court in an order filed on March 28, 2008 (ct. doc. 38) that it must proceed in discovery and that sanctions would be imposed if it failed to do so. Unless he has already provided the deposition dates by the original deadline set, counsel for defendant will be subject to sanctions.

Since this Court has already ruled on defendant's motion for recusal, defendant is advised that it does not need to file a separate motion addressed to Judge Korman. However, defendant has the right to file objections to my order of March 28, 2008 (ct. doc. 34). See Fed. R. Civ. P. 72(a). It's time to file objections is extended to April 17, 2008.

The motion to adjourn the discovery conference is denied and will proceed as scheduled on April 15, 2008 at 12:00 p.m.

**SO ORDERED.**

Dated: Brooklyn, New York  
April 7, 2008

/s/  
MARILYN D. GO  
UNITED STATES MAGISTRATE JUDGE